

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17989 of 2022

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1. Md. Mojbullah Son of Late Idris, Resident of Baruraj, Police Station-Baruraj, District- Muzaffarpur.
 2. Md. Abdullah S/o Late Idris, Resident of Baruraj, Police Station-Baruraj, District- Muzaffarpur.
 3. Md. Israil Son of Late Hamid, Resident of Baruraj, Police Station-Baruraj, District- Muzaffarpur.
 4. Md. Mumtaz Son of Sk. Hamid, Resident of Baruraj, Police Station-Baruraj, District Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Bihar, Patna.
2. The Executive Officer, Road Division No. 1, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Wasi Akhtar, Advocate
For the Respondent/s : Mr.Uday Shankar Sharan Singh (GP-19)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 20-03-2023 The present writ petition has been filed seeking the following relief:-

"That this is an application for issuance of an appropriate writ and or direction to quash the notice issued by Respondent no. 2 vide letter no. 2341 dated 04.11.2022 whereby and whereunder it is alleged that the petitioners have encroached upon the land of the alignment of the bridge at 14 K.M. (over Baruraj Boring Chowk) built over Gandak Canal which have been acquired by the Department Gandak Canal over which the petitioners have constructed shops temporary/



permanent and as such the petitioners should vacate the encroachment within 7 days so that approach road may be built and the respondents be restrained from proceeding any further in pursuance of the impugned notice and be further restrained from dismantling the petitioners shop build over their own land."

The learned counsel for the respondent-State has referred to the counter affidavit, filed in the present case and has submitted that the petitioners have suppressed material facts and the fact is that the land in question belongs to the Government, inasmuch as the Water Resources Department had acquired the land in question as is apparent from the notice issued under Section 9 of the Land Acquisition Act, 1984, annexed as Annexure A and B to the counter affidavit, filed in the present case. It is submitted that in order to satisfy the petitioners that appropriate acquisition has been made, in accordance with law, qua the land in question and compensation amount has also been paid, the petitioners be relegated to the remedy of approaching the District Magistrate, Muzaffarpur, who shall consider the representation of the petitioners and pass appropriate orders, in accordance with law.

Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioners to



file appropriate representation before the District Magistrate, Muzaffarpur, annexing all the requisite documents in their support, within a period of six weeks from today, who shall adjudicate upon the same and pass a reasoned and a speaking order, in accordance with law, within a period of four weeks, thereafter and till then, status quo existing as on today qua the land/house of the petitioners in question shall be maintained.

It is needless to state that in case, no representation is filed within a period of six weeks from today, the aforesaid interim protection being extended to the petitioners shall stands vacated automatically.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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